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S. HRG. 101-731

NOMINATION OF ANNICE M. WAGNER

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

NOMINATION OF ANNICE M. WAGNER TO BE ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS

MAY 22, 1990

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CONTENTS

Page

Opening statement of Senator Sasser 1

WITNESS

TUESDAY, MAY 22, 1990

Annice M. Wagner, to be Associate Judge, District of Columbia Court of Appeals:
- Testimony 2
- Biographical information 7

NOMINATION OF ANNICE M. WAGNER

TUESDAY, MAY 22, 1990

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:20 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Jim Sasser presiding.

Present: Senators Sasser and Akaka.

Committee staff assigned: Brian Dettelbach, Senator Glenn; Susanne Marshall, Senator Roth; and John Belferman, Senator Sasser.

OPENING STATEMENT OF SENATOR SASSER

Senator SASSER. The Committee will come to order.

This morning, the Committee is pleased to welcome the Honorable Annice M. Wagner.

Ms. Wagner, would you come forward, please, and take a seat?

Judge Wagner is already a judge with the Superior Court here in the District of Columbia, and she has been nominated to be Associate Judge of the District of Columbia Court of Appeals.

Judge Wagner, my apologies for being tardy this morning. I was unavoidably detained on the business of the budget of the United States Government, which consumes an enormous amount of my time these days.

Judge Wagner is one of the most senior members of the Superior Court. She assumed her position in June of 1977. So Judge Wagner has had plenty of opportunity to preside over all civil and criminal divisions of the court, and is presently the presiding judge in both the Probate Division and the Tax Division.

Prior to her elevation to the bench, the nominee this morning served as People's Counsel of the District of Columbia and General Counsel of the National Capital Housing Authority.

Judge Wagner is a native-born citizen of the Nation's capital. She graduated from Dunbar High School and received her undergraduate and law degrees from Wayne State University in Detroit, Michigan. And on January 23, 1990, she was nominated by the President of the United States for the position of Associate Judge of the Court of Appeals here in the District of Columbia.

Now, as you may know, Judge Wagner, the confirmation procedure of the Committee is found in Committee Rule 8 which was adopted in 1978. I would like to read or describe these procedures for the benefit of the record—and also for the benefit of those who might be interested—describe the procedures by which the Committee ensures a thorough investigation of a nominee's experience, qualifications, suitability, and integrity to serve in the position for which this nominee has been nominated.

First, Judge Wagner provided detailed information about her education and her employment. The nominee also supplied complete financial statements that have been examined by the staff of the Committee. This information has been reviewed, and has been available for public inspection in the office of the Committee.

In addition, the nominee's biographical information is being placed in the record of this hearing.[1]

The Federal Bureau of Investigation conducted a background investigation of the nominee. The results of this investigation have been made available to the Chairman of this Committee and the ranking minority member of the Committee for their review.

The nominee has also been interviewed by members of the Committee staff, who submitted a confidential report to members of the Committee summarizing the inquiry by the Committee staff.

Judge Wagner, I want to express the appreciation of the Committee for your full cooperation with the staff in all phases of the nominating process.

We will now proceed to the nominee's testimony. Judge Wagner, if you would please raise your right hand, do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Judge WAGNER. I do.

Senator SASSER. Now, before we proceed, Judge, you might like to introduce the guests that have accompanied you here this morning.

TESTIMONY OF ANNICE M. WAGNER, TO BE ASSOCIATE JUDGE, DISTRICT OF COLUMBIA COURT OF APPEALS

Judge WAGNER. All of them?

Senator SASSER. Well, that is your option.

Judge WAGNER. First, I would like to introduce my husband, Mr. Charles Wagner, seated in the first row. I have my sister, Ms. Janet Cox; my sister, Ms. Alicia Fairley; another sister, Ms. Nancita Lomax; my brother, Mr. Wadsworth Robinson; my brother-in-law, Reverend Walter B. Cox; a very good friend of mine, Ms. Irene Bush; and another good friend, the Honorable Norma Holloway Johnson of the United States District Court of the District of Columbia.

Senator SASSER. This confirmation hearing may well be a family affair. I am pleased that that is the case.

You may proceed, Ms. Wagner.

Judge WAGNER. Thank you, Senator Sasser. I am indeed honored to have been nominated by the President, and it is a pleasure to appear before you today. Thank you for your kind remarks in going through my background, and I will respond now to any questions you may have.

Senator SASSER. Well, there are certain questions which we are required by the rules of the Committee to propound to each of our nominees, Judge, and so I will begin with those.

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[1] See p. 7.

First, do you know of any reason, personal or otherwise, which would prevent you from fully and honorably discharging your responsibilities as a judge on the court for which you have been nominated?

Judge WAGNER. No, I do not.

Senator SASSER. Now, I want to ask you to look to the future for just a moment and ask this question. If you are confirmed, do you presently intend, as best you can foresee, to serve the full 15-year term of office?

Judge WAGNER. Yes.

Senator SASSER. Is there anything that you are aware of in your personal or professional background which would present any conflict of interest with the duties of the position for which you have been nominated by the President of the United States?

Judge WAGNER. No.

Senator SASSER. If conflicts that are not at this time foreseeable happen to arise while you are serving as associate judge, how do you think you can best resolve a potential conflict?

Judge WAGNER. There is presently a mechanism for doing that. We are bound by a code of conduct and we adhere to that. Now, where there are people before us with whom we have had some association, or a case which might pose a conflict of interest, we are required to recuse ourselves.

If there is a situation which is not so obvious, but nevertheless which appears to require some examination, we, of course, bring this to the attention of counsel and discuss this right on the record.

If there are organizations—first of all, I try not to belong to any organizations or association which would interfere with my responsibilities. But in the event that occurs, I will have to eliminate my participation in such organization.

We also have an informal group of judges who are available to consult with about matters involving conflicts and the canons of ethics, generally. I am a member of this informal group at the moment, and occasionally we are consulted by other judges, and I would feel free to consult them as well.

Senator SASSER. Well, thank you. Now, Judge, do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Judge WAGNER. I do.

Senator SASSER. Now, Judge Wagner, is there additional information you want to call to the Committee's attention, or any statement you wish to make concerning your background, education, professional experience and qualifications to be a member of the Court of Appeals of the District of Columbia?

Judge WAGNER. I have enjoyed the opportunity to have served the community in the capacity that I have for the past 13 years. I was fortunate to have had a broad background in all phases of the law before being appointed to the bench. I have also been fortunate to have served in all divisions of the trial court for which the District of Columbia Court of Appeals considers decisions from.

Therefore, I feel that I am prepared to assume the responsibility, if confirmed, and I would be very proud to do so, and would treat the position with the respect that it requires.

Senator SASSER. Now, Judge Wagner, we know the Court of Appeals is anxious to come back up to full membership level. We also know that you personally have a fairly heavy caseload in the Superior Court, especially with the amount of decisions you are asked to render in the probate and tax areas.

How soon do you expect you will be available full-time to the Court of Appeals?

Judge WAGNER. I have discussed this with the Chief Judges of both courts, and we have tentatively discussed a period of 30 days. However, I am aware that the District of Columbia Court of Appeals has decided to hear cases, the same number of cases, over a 10-month period that they hear generally over a longer period. Therefore, there will be some time during the month of July when they will not be sitting.

There is a provision in the statute—and I am not sure that this will happen; I have not discussed this with either Chief Judge—for special designation of a judge from the District of Columbia Court of Appeals when there is a special need. But that is something that has just come to my attention and I have not at this time made any arrangements to do that.

The Chief Judge of the District of Columbia Court of Appeals, because I was not able to come on—because she did not anticipate that I would be confirmed in time to participate in the June calendar, is satisfied with the 30-day period that was discussed with the Chief Judge of the Superior Court.

Senator SASSER. Well, that is fine. Now, Judge Wagner, Senator John Glenn, who is the Chairman of the full Committee, could not be with us this morning, but Senator Glenn wanted to get your views on the following issue.

Senator Glenn notes that one concern voiced about the District of Columbia judicial system is the increasing number of cases on the docket and the length of time it takes to resolve these cases.

From your perspective and experience as a judge of the Superior Court, how do you feel this case backlog could best be addressed that is now apparently burdening the judicial system of the District of Columbia?

Judge WAGNER. I hope I can capsulize this. Of course, the additional judges which have been authorized should address, in part, some of the problems. The new magistrates—well, first of all, the new hearing commissioners, which I understand—they are considering having magistrates, but the new hearing commissioners, in part, have addressed some of the problem.

And I don't think that we have yet had time to realize the full benefit of having the new hearing commissioners to handle many of the areas of the court which were previously handled by the judges of the Superior Court.

I think that we do have to look beyond judicial resources, however, in solving the problem and look to the utilization of these resources. Consideration may be given to removing from the court certain matters which might better be handled administratively.

Consideration has been given, and I think it will improve the efficiency of the court, to computerizing various functions of the court. All of the judges are presently being trained on a new com-

puter which has the capacity to do many things which will improve efficiency within chambers.

An examination, or further examination, I should say, because certainly something has been done—a further examination needs to be made of how we utilize our judicial resources during the course of the day.

There is down time in certain assignments. Certainly, most judges feel that they can utilize this down time to work on opinions and the like, and we do need that time to do that. Nevertheless, there are calendars where this occurs more often than not, and perhaps by moving around the pieces, this could work somewhat.

I know that many of the judges do work extremely long hours, so I don't know whether there is much more that can be done in that realm. But I think that for the future, we must look to new technologies, which we have done to some extent, and I think that soon we will realize those technologies. We are looking to new systems for placing cases on individual calendars, which may avoid this delay and down time for judges, and that is soon to be implemented.

I think that is about all I can think of at the moment.

Senator SASSER. Well, I will report that to Senator Glenn, and I am sure he will be interested in reading it in the record.

We have been joined this morning by our distinguished new Senator from the State of Hawaii, who has had a long and distinguished career in the House of Representatives, but has just now joined us in the United States Senate, Senator Akaka.

Do you have any questions to propound to this witness, Senator?

Senator AKAKA. Thank you for recognizing me, Chairman Sasser. I am happy to join you today for the judge whose nomination we are considering.

Judge Wagner, I am impressed by your background. I am also impressed by the investments that you have made. Maybe it is not normal, but usually people don't get that involved, but I see you have done—this is not a criticism—I think you have done very well and have been very responsible, as I read it.

In being briefed, I was also interested that you had no political affiliations and are not involved in political activities, which makes you very, very unusual. But, generally, what I want to say, Judge Wagner, is I am impressed by your credentials.

Judge WAGNER. Thank you, Senator.

Senator AKAKA. And I feel inclined at this point to support your nomination.

Judge WAGNER. Thank you, Senator.

Senator AKAKA. Thank you, Mr. Chairman.

Senator SASSER. Well, thank you very much, Senator. Perhaps Judge Wagner might give the chairman a little investment counseling at some point. I frankly am very much in need of it.

Judge Wagner, the Committee will hold the record open for the next 10 days until the close of business Friday, June 1st. If some members of the Committee have additional questions for this nominee, I want to encourage them through their staff that is gathered here to submit those in writing. The nominee will then respond in writing, so that both questions and answers may be included in the record. I am very hopeful that this Committee will act expeditious-

ly on this nomination to fill this vacancy which has been open for some time.

Judge Wagner, let me thank you again on behalf of myself and the staff for being so cooperative during the preliminaries to this hearing this morning, and for appearing before us this morning. I am especially pleased that you would bring to the hearing this morning your husband and your family and friends because this is, I think, a great day in your career. And I look forward to seeing you serve in the future with distinction on the District of Columbia Court of Appeals.

I am hopeful that we can bring this to the floor early, Senator Akaka, and dispose of this nomination in an expeditious manner.

There being no further business to come before the Committee, the Committee will stand in recess subject to the call of the Chair.

[Whereupon, at 10:40 a.m., the Committee was adjourned subject to the call of the Chair.]

APPENDIX

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES
BY THE UNITED STATES SENATE
COMMITTEE ON GOVERNMENTAL AFFAIRS

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

Annice M. Wagner
Annice McBryde Wagner
Annice R. Wagner
Annice R. McBryde
Annice Marie Robinson

2. Position to which nominated:

Associate Judge
District of Columbia Court of Appeals

3. Date of nomination:

January 23, 1990

4. Address: (List current place of residence and office addresses.)

7801 Sixteenth Street, N.W.
Washington, D.C. 20012

Office:
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Room 2530
Washington, D. C. 20001

5. Date and place of birth:

September 9, 1937, Washington, D. C.

6. Marital Status:

Married to Charles E. Wagner

7. Names and ages of children:

Alison E. McBryde, age 28

8. Education: List secondary education and higher education institutions, dates attended, degree received and date degree granted.

Dunbar High School Washington, D. C.	9/52 - 6/55 High School Diploma
Wayne State University Detroit, Michigan	9/55 - 6/58 B.A. - 6/1959
Wayne State University Law School Detroit, Michigan	9/58 - 6/60 9/61 - 9/62 L.L.B. 6/62

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please attach separate sheet, if necessary.)

June 1977 - Present
Associate Judge
District of Columbia Government
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D. C. 20001
(Description: Presides over cases in all divisions of the Court: Civil, Criminal, Family, Probate and Tax. Currently serves as Presiding Judge of the Probate and Tax Divisions of the Court. Serves on various committees established pursuant to D. C. Code §11-946 which consider and recommend rules for the Court.)

September 1986, 1987, 1988 and 1989
Teaching Team Member (Voluntary)
Trial Advocacy Workshop
Harvard Law School
Cambridge, Massachusetts
(Description: The course is an intensive one designed to help the students develop trial advocacy skills, techniques and strategies. Volunteer team members conduct critiques, participate in demonstrations and address various issues related to the course.

March 1975 - June 1977
People's Counsel
Government of the District of Columbia
Office of People's Counsel
1625 I Street, N.W.
Room 417
Washington, D. C.

(Current Address: 1101 - 14th
Street, N.W., Washington, D. C.)
(Description: Represented the interests of consumers in the District of Columbia before the Public Service Commission and in cases before the District of Columbia Court of Appeals involving rate regulation and other issues affecting public utilities.)

August 1973 - March 1975
General Counsel
National Capital Housing Authority
Federal Government until 1975 (Agency transferred to the District)
1170 -12th Street, N.W.
Washington, D. C.
(Current address-1133 North Capitol Street, N.E., Washington, D.C.)
(Description: Served as chief legal officer for the agency. Advised the Authority on all legal, technical and procedural matters related to the development, acquisition and operation of housing programs. Directed legal staff in representing the Agency in administrative proceedings, court litigation, and grievance hearings. Prepared, reviewed and revised contract documents. Processed Annual Contributions Contracts and Preliminary Loan Contracts with the Department of Housing and Urban Development. Furnished support to Department of Justice in litigation affecting the agency. Acted as EEO Officer and Federal Tort Claims Officer. Served as Acting Executive Director in absence of the Executive Director and his deputy.

September 1965 - August 1973
Attorney
Associated in private practice with William C. Gardner
Houston and Gardner
615 F Street, N.W.
Washington, D. C.
(Description: Engaged in practice of law of a general civil nature, including but not limited to negligence, contracts, real property actions, juvenile, custody, support, divorce and probate. Appeared in cases in the Superior Court of the Disrict of Columbia, the District of Columbia Court of Appeals, the United States District Court for the District of Columbia and the District of Columbia Court of Appeals for the District of Columbia Circuit.)

May 1965 - September 1965
Attorney
Associated in private practice with Anival Grillo
412 Fifth Street, N.W.
Washington, D. C.

(Description: Engaged in private practice of a general civil nature similar in description to areas listed above. Additionally, handled some criminal cases.)

March 1964 - May 1965
Attorney
Associated in private practice with DeLong Harris
1901 Eleventh Street, N.W.
Washington, D. C. (Description: Represented clients in civil, criminal and juvenile matters.)
From February - March 1964 served as legal secretary to Mr. Harris.

May 1963 - February 1964
Administrative Aide to the President of the
Barnstable County Mental Health Association
Hyannis, Massachusetts
(Description: Advised President of the organization on funding, management, activities and budget for programs directed toward the establishment of mental health facilities on Cape Cod.
Created and edited monthly newsletter.)

September 1970 - August 1972
Part time Ballet and Dance Instructor
Capitol Park Apartments
Washington, D. C.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, reprsentative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Trustee and Vice President of the Board of Trustees
United Planning Organization
810 Potomac Avenue, S. E.
Washington, D.C. 20003
(This is a nonprofit corporation which has as its major functions, planning, coordination and implementation of social service programs in the District of Columbia.)

Limited Partner
Potomac Hotel Limited Partnership
10400 Fernwood Road
Bethesda, Maryland

Limited Partner
Clinton Fellowship Limited Partnership
7700 Old Branch Avenue
#C-200
Clinton, Maryland 20735

Stockholder
Washington Federal Savings Bank
Washington, D. C.

12. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

Memberships (current)
The District of Columbia Bar
Washington Bar Association
The Charles Fahy American Inn of Court VI
Women's Bar Association (Honorary member)

Trustee and Vice-President
United Planning Organization
(See response to question 11.)

13. Political affiliations and activities:
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
Response: None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
Response: None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 5 years.
Response: None.

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

United Planning Organization- Award for exemplary service and outstanding leadership - 1990

Master, The Charles Fahy American Inn of Court VI (Membership by invitation)

Award of Judicial Excellence - 1984 presented by the Association of Plaintiffs Trial Attorneys (now the Trial Lawyers Association of Metropolitan Washington)

Two Service Awards
National Capital Housing Authority Advisory Board

Civic Award
Lamond-Riggs Citizens Association

Scholarships: Masons and United Black College Fund

Other Achievements:
Service on committees of the Superior Court of the District of Columbia
Chairperson, Advisory Committee on Probate and Fiduciary Rules
Chairperson, Committee on the Selection and Tenure of Hearing Commissioners
Member, Rules Committee
Chairperson, Landlord-Tenant Subcommittee of the Advisory Committee on Civil Rules
Sentencing Guidelines Commission (Chairperson, Offense Ranking Sucommittee and Implementation Subcommittee)
Advisory Committee on Civil Rules, Member (until 1988)
Chairperson, Judicial Training Conference Committee May 30 - June 2, 1985
Judicial Training Conference Committee, Member 1986, 1983
Member, Committee on Arrangements, Judicial Conference of the Disrict of Columbia, 1983 and 1986

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Utility Line (This was a monthly newsletter published by the Office of People's Counsel while I served as People's Counsel. In it I reported on pending cases and other matters of interest to utility consumers.)
The Gam (This was the monthly newsletter published by the Barnstable County Mental Health Association which I edited in 1963-1964.)
Address delivered to the Judicial Conference of the District of Columbia 1971 - 51 FRD 171 (1972)

16. Speeches: Provide the Committee with three copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. Selection:
(a) Do you know why you were chosen for this nomination by the President?

Response: My name was one of three names submitted to the President by the District of Columbia Judicial Nomination Commission. The Commission designated me as one of the candidates for consideration after a review of my qualifications and an interview. Information regarding my background and experience was provided the White House. After review of the information, an interview and an investigation by the FBI, I was nominated for the position by the President. The information provided was similar to the information submitted to the Senate.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Response: The District of Columbia Court of Appeals has jurisdiction of appeals from the Superior Court of the District of Columbia. For almost thirteen years I have been a trial judge in the Superior Court of the District of Columbia.

During my tenure, I have served in all the divisions of the Court and on many committees responsible for recommending rules. My service as a trial judge and many years of experience as a lawyer in the District of Columbia Courts have provided me with extensive experience with the issues addressed in the District of Columbia Court of Appeals. I have had an opportunity to have a broad range of experiences since law school, all of which have prepared me for this sensitive position. The diversity of my experiences in the areas the subject of litigation in the District of Columbia Courts is an important aspect of my qualifications for the position. I have had extensive experience writing opinions during my term of service. In my judicial position, I have strived to exercise the impartiality, sound judgment, and judicial temperament required of a judge.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

If confirmed by the Senate, I will terminate my tenure as an associate judge of the Superior Court of the District of Columbia. I will sever any associations of any kind in which I am precluded from participating by the Code of Judicial Conduct and any other associations as required. I do not believe I have any such business or other associations.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

I hope to continue to serve as a teaching team member for the Trial Advocacy Workshop at Harvard Law School provided it does not interfere with my judicial responsibilities. This is a voluntary

service for which I use annual leave. With that exception, no.

3. Do you have any plans, commitments or agreements after completing government service to resume employment affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term until the next Presidential election, whichever is applicable?

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

Deferred Compensation-Lincoln National Pension Company- I participate in this voluntary deferred compensation plan approved for employees of the D.C. Courts. This is a long term retirement program funded by payroll deductions from my salary.

Limited Partnerships
Potomac Hotel Limited Partnership-This partnership invests in hotels outside of the District of Columbia. As a limited partner, I have no control over the conduct of the business. Business is conducted by the general partners. At a future date, I may realize some profit on the investment. Clinton Fellowship Limited Partnership-This partnership invests in property outside the District of Columbia. As a limited partner, I have no control over the conduct of the business. All

As chairperson of the Committee on Probate and Fiduciary Rules of the Superior Court, I was involved in drafting rules for the Superior Court for implementation of the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986 (D.C. Code §21-2001 to 2085). As chairperson of the same committee, I appeared at a hearing before the Chairperson, Committee on the Judiciary of the Council of the District of Columbia concerning recommended changes submitted by the Chief Judge of the Superior Court which were critical to implementation of the law by the Superior Court. I met with committee staff regarding the recommendations of the Court.

As chairperson of the Committee on the Selection and Tenure of Hearing Commissioners, I participated in drafting the Standards and Procedures for the Selection and Tenure of Hearing Commissioners required by D.C. Code §11-1732 (b).

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide copies of any trust or other agreements.)

I will resolve conflicts of interest, it any, by strict adherence to the Code of Judicial Conduct. If I am disqualified from serving on any case because of a conflict of interest or otherwise, I will recuse myself. In my experience, such occasions are extremely rare. The Code of Judicial Conduct for United States Judges issued by the Director of the United States Courts contains advisory opinions on application of the canons of ethics. This volume is an important reference for addressing such issues, particularly when the requirement for disqualification is not obvious. Other resources are available as well. I expect to take the steps which may be necessary to assure that conflicts of interest are minimized and that I do not consider and decide any matters where a conflict of interest exists.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

business is conducted by the general partners. It the investment proves profitable, I may realize a return on it.
Stockholder-Federal Savings Bank-I purchased a small number of shares in the savings bank where I had a savings account. I have not attended shareholders meetings nor participated in any other way with this investment.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Potential conflicts of interest because of involvement with the entities described in C. 1. are remote, since their activities are outside of the jurisdiction, with the exception of the bank. Such potential conflicts can not be eliminated totally. When they occur, there is a procedure to assure the integrity of the judiciary. I would avail myself of the procedure. (See response to C. 5. for elaboration.)

3. Describe any business relationship, dealing or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

See responses to questions 1. and 2. above. I have a single family rental unit and a note secured by a deed of trust which will be described in the financial information. My spouse has an interest in rental units in the District which are described hereinafter. Since a judge should disqualify himself or herself in a proceeding in which the judge or his or her spouse has a financial interest in the subject matter, interests on the financial statements could hold that potential.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the object of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   Not to my knowledge, except the D. C. Commission on Disabilities and Tenure inquired about the status of a case on the same day that an order was entered in it. I assume that it was in response to an inquiry. I sent the Committee a letter explaining the reasons for the time required for disposition, among which were the overwhelming case load for which I was responsible (more than 7600 cases), the complexity of the case, the entry of about 8000 orders by me during the time, and other circumstances related to the case. I presume the Commission was satisfied, as I have never heard again from the Commission.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense?

   No. (Of course, background investigations have been conducted in connection with this position, my present position, and possibly in connection with other applications for government employment.)

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

   -I was plaintiff in a divorce action on the ground of voluntary separation. The divorce was granted on 8/8/68.
   -In 1981 a suit was filed against judges of Superior Court because of the rising ceremony conducted when court proceedings begin. I was informed by the Assistant Corporation Counsel who represented members of the bench that the cases were dismissed.
   -I was named respondent in two Petitions for Writs of Mandamus filed in the District of Columbia Court of Appeals. The petitions were denied by the Court.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Following is a list of some of the committees on which I serve in the Superior Court and a description of some the significant work of the committees.

-Chairperson, Advisory Committee on Superior Court Rules of Probate and Fiduciary Procedure (1988-present). The rules for implementation of the District of Columbia Guardianship, Protective Proceedings and Durable Power of Attorney of Act of 1986 (which became effective on September 30, 1989) were developed by this committee. The Board of Judges approved the rules on an interim basis on September 20, 1989. The committee is in the process of reviewing comments submitted after publication of the rules. After appropriate amendments, the rules will be adopted on a permanent basis.

-Chairperson, Committee on Selection and Tenure of Hearing Commissioners (1986 - present)
I have served as chairperson of this committee since its inception. The Committee developed the Standards and Procedures for the Selection and Tenure of Hearing Commissioners in effect in Superior Court. The committee also reviewed the qualifications of the first applicants for positions created under D. C. Code §17-1742 (b) and identified for the Chief Judge those most qualified to serve. Four hearing commissioners were appointed following completion of the process.

-Member, Rules Committee, 1988-present
The Rules Committee makes recommendations to the Board of Judges regarding the adoption of any rules for the Court.

-Commission Member and Chairperson, Offense Ranking Subcomittee and Implementation Subcommittee of the Sentencing Guidelines Commission. A comprehensive sentencing guidelines scheme was developed by the Commission. Although it has not been implemented, it has been helpful to many of the judges in considering the difficult task of sentencing.

-Chairperson, Landlord=Tenant Subcommittee of the Advisory Committee on Civil Rules
This committee recommends rules and form changes in the area of specialty indicated by its name.

E. FINANCIAL DATA

(retained in committee files)

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